

1712

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by: MPH**RECEIVED
CENTRAL FAX CENTER**

AUG 11 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UM ET AL

SERIAL NO. 09 806 263

FILED: MARCH 28 2001

FOR: COAGULANT COMPOSITION
CONSISTING OF ORGANIC
COAGULANT OF BROWN ALGAE
AND INORGANIC COAGULANT

Commissioner for Patents
Alexandria, VA 22313

Art Unit: 1712

ATT: GROUP DIRECTOR

OFFICIAL**REQUEST FOR INVESTIGATION OF STATUS OF APPLICATION
DIRECTED TO GROUP DIRECTOR**

Sir:

The undersigned requests the assistance of the Group Director in connection with the status of the above National Stage application which was filed on March 28, 2001, over three years ago. As shown in the attached papers, the application went abandoned in June, 2002 because an Office action was not received. The application was revived in September, 2002 and the filing receipt and Notice of Acceptance was received. In August, 2003, the undersigned was informed that the application was in the File Repository as an abandoned file. After a status inquiry, the undersigned was advised in a letter from the PCT Legal Examiner that the application had been forwarded to Tech Center 1700 for examination. Copies of these communications are attached.

In response to the attached Status Inquiry of July 26, 2004 the undersigned received a telephone message from a USPTO employee on August 10. The employee stated her name which was not intelligible from the recording. She did not leave any telephone number. She stated that the above application was abandoned and that Examiner Lovering should be contacted regarding the application. She did not provide a telephone number for the examiner.

Serial No. 09 806 263

SHI 2440

According to the USPTO employee locator, there is no employee by the name of "Lovering". This problem was encountered in previous attempts by telephone to learn the status of the application. It appears that the USPTO files have not been updated to show that the application is pending and the name of the current examiner.

In view of the history of the application and the amount of time which has passed, Applicants respectfully request the Group Director's assistance in obtaining a prompt investigation of the status of the application. The undersigned also requests a written response to this status inquiry for the record and for a report to Applicants given the unusual circumstances surrounding this application.

Respectfully submitted,

UM ET AL

BY



Maria Parrish Tungol

Registration No. 31,720

Telephone: (202) 429-5249

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at the Patent and Trademark Office on July 26, 2004

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AUG 11 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UM ET AL

SERIAL NO. 09 806 263

FILED: MARCH 28 2001

FOR: COAGULANT COMPOSITION
CONSISTING OF ORGANIC
COAGULANT OF BROWN ALGAE
AND INORGANIC COAGULANT

Commissioner for Patents
Alexandria, VA 22313

Art Unit: 1712

Examiner: TO BE ASSIGNED

OFFICIAL

STATUS INQUIRY

Sir:

This is Applicants' third request for information regarding the present status of the above application. The application was revived per a Decision on Petition under 37 CFR 1.181 dated September 9, 2002. Applicants received the official filing receipt and the Notice of Acceptance during the first week of October, 2002. The application was then sent to the File Repository and thereafter the undersigned was advised on September 10, 2003 that the application had been forwarded to Tech Center 1700 for examination.

The undersigned has been advised by the Help Desk that the application has been assigned to Group 1712. Given the history of the application and the amount of time which has passed, Applicants request information regarding the status of the application and a prompt action on the merits.

Respectfully submitted,

UM ET AL

BY 2 W 4

Maria Parrish Tungol
Registration No. 31,720
Telephone: (202) 429-5249

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AUG 11 2004

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by: 2 P 34

SHI 2440

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UM ET AL

SERIAL NO. 09 806 263

FILED: MARCH 28 2001

FOR: COAGULANT COMPOSITION
CONSISTING OF ORGANIC
COAGULANT OF BROWN ALGAE
AND INORGANIC COAGULANT

Commissioner for Patents
Alexandria, VA 22313

OFFICIAL

Art Unit: 1712

Examiner: TO BE ASSIGNED

STATUS INQUIRY

Sir:

Applicants request information regarding the present status of the above application. The application was revived per a Decision on Petition under 37 CFR 1.181 dated September 9, 2002. Applicants received the official filing receipt and the Notice of Acceptance during the first week of October, 2002. The application was then sent to the File Repository and thereafter the undersigned was advised on September 10, 2003 that the application had been forwarded to Tech Center 1700 for examination.

The undersigned has been advised by the Help Desk that the application has been assigned to Group 1712. Given the history of the application and the amount of time which has passed, Applicants request information regarding the status of the application and a prompt action on the merits.

Respectfully submitted,

UM ET AL

BY 2 P 34

Maria Parrish Tungol
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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1480
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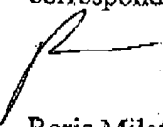
10 SEP 2003

Maria Parrish Tungol
1800 Diagonal Road, Suite 600
Alexandria, VA 22314-2840

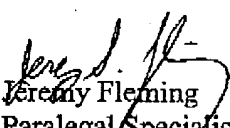
In re Application of
MYEONG HEON UM ET AL.
Appl. No.: 09/806,263
PCT No.: PCT/KR00/00817
Int. Filing Date: 27 July 2000
Priority Date: 29 July 1999
Applicant's File Reference: SHI 2440
For: COAGULANT COMPOSITION
CONSISTING OF ORGANIC COAGULANT
OF BROWN ALGAE AND INORGANIC
COAGULANT

Dear Ms. Tungol:

This is in response to your communication received 26 August 2003 requesting the status of U.S. application 09/806,263. U.S. application 09/806,263 is pending and has been forwarded to Tech Center 1700 for examination. Applicants will receive further correspondence in due course.


Boris Milef
PCT Legal Examiner
PCT Legal Office

JSF/BM:jf


Jeremy Fleming
Paralegal Specialist
PCT Legal Office

Tel: (703) 308-6154
Fax: (703) 308-6459

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at the Patent and Trademark Office on August 26, 2003

by: MP

FAXED

SHI 2440

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UM ET AL

SERIAL NO. 09 806 263

FILED: MARCH 28 2001

FOR: COAGULANT COMPOSITION
CONSISTING OF ORGANIC
COAGULANT OF BROWN ALGAE
AND INORGANIC COAGULANT

Commissioner for Patents
Alexandria, VA 22313

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AUG 11 2004

Unit: PCT Help Desk

Attention: Jeremy Fleming

OFFICIAL**STATUS INQUIRY**

Sir:

Applicants request information regarding the present status of the above application. The application was revived per a Decision on Petition under 37 CFR 1.181 dated September 9, 2002. Applicants received the official filing receipt and the Notice of Acceptance during the first week of October, 2002.

The undersigned has been advised by the receptionist in Group 1700 that the application was forwarded to the File Repository on June 4, 2003.

Applicants request an inquiry into the status of the application as soon as possible. Applicants also request notification when the application has been returned pending status.

Respectfully submitted,

UM ET AL

BY MP

Maria Parrish Tungol
Registration No. 31,720
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Commissioner for Patents
Washington, DC 20531
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/806,283	08/28/2002	1712	630	SHI 2440	10	7	1

Maria Parrish Tungol
2231 Crystal Drive Suite 500
Arlington, VA 22202

CONFIRMATION NO. 6594

FILING RECEIPT



0C000000008828944

Date Mailed: 09/24/2002

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Myeong Heon Um, Suwon-city, KOREA, REPUBLIC OF;
Mi Sook Kang, Suwon-city, KOREA, REPUBLIC OF;

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/KR00/00817 07/27/2000

Foreign Applications

REPUBLIC OF KOREA 1999/31006 07/29/1999

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Coagulant composition consisting of organic coagulant of brown algae and inorganic coagulant

Preliminary Class

252



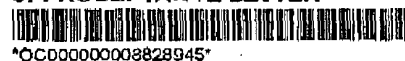
UNITED STATES PATENT AND TRADEMARK OFFICE

 Continued from Patent, Not PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 Date: 09/24/2002

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/806,263	Myeong Heon Um	SHI 2440
INTERNATIONAL APPLICATION NO.		
PCT/KR00/00817		
IA. FILING DATE	PRIORITY DATE	
07/27/2000	07/29/1999	

Maria Parrish Tungol
 2231 Crystal Drive Suite 500
 Arlington, VA 22202

CONFIRMATION NO. 6594
 371 ACCEPTANCE LETTER



Date Mailed: 09/24/2002

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated Office (37 CFR 1.494), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>06/26/2002</u>	<u>06/26/2002</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF RECEIPT OF ALL 35 U.S.C. REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Indication of Small Entity Status
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments



09 SEP 2004

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Maria P. Tungol
1825 Eye Street, NW
Suite 400
Washington, DC 20006

In re Application of
UM et al.
Serial No.: 09/806,263
PCT No.: PCT/KR00/00817
Int. Filing Date: 27 July 2000
Priority Date: 29 July 1999
Atty. Docket No.: SHI 2440
For: COAGULANT COMPOSITION CONSISTING
OF ORGANIC COAGULANT OF BROWN ALGAE
AND INORGANIC COAGULANT

: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.181
:
:
:

This is a decision on applicants' "Petition to Withdraw The Holding of Abandonment Based on Failure to Receive Office Action" filed on 26 June 2002 requesting the Notification of Abandonment mailed 06 June 2002 be vacated, on the basis that the 03 May 2001 Notification of Missing Requirements was never received.

BACKGROUND

On 28 March 2001, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee, declaration, a copy of the international application and a purported English translation thereof.

On 03 May 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) along with the Notice of Defective Translation indicating that "the text in the drawings had not been properly translated". Applicants were also advised to pay the processing fee for filing the English translation after the twenty month period.

A Notification of Abandonment (Form PCT/DO/EO/909) was mailed on 06 June 2002 indicating that the application was abandoned for failure to respond to the Notification of Missing Requirements mailed 03 May 2001 within the specified time period.

On 26 June 2002, applicant filed the instant petition requesting that the holding of abandonment be withdrawn on the basis that the Notification of Missing Requirements was never received. Applicant also filed an English translation of the drawings (Figures 1 and 2) along with the processing fee for filing the English translation after the twenty month period.

On 02 July 2002, applicant supplemented their petition with a copy of the 06 June 2002

Application No.: 09/806,263

2

Notice of Abandonment.

DISCUSSION

The showing required to establish the failure to receive an Office action must consist of (1) a statement from the practitioner stating that the Office action was not received by the practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received and (3) a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed, attached to and referenced in practitioner's statement.

Applicants satisfied Item (1) with the practitioner's attestation that "the undersigned attorney attests that no Notice of Missing Requirements was received by mail for the above application".

Counsel's statement attesting that "the undersigned has searched the file of the above application and the Notice of Missing Requirements has not been found" satisfies Item (2) above.


Concerning item (3) above, counsel, a solo practitioner, explained that she reviews all communications from the USPTO and docket dates for response prior to entry in the file. Counsel states that "the attached docket sheet for the month of July 2001 shows that there is no entry for the above application". A copy of the docket sheet was attached to the petition. This satisfies Item (3) above.

CONCLUSION

For the reasons discussed above, applicant's petition to withdraw the holding of abandonment is **GRANTED**.

The Notice of Abandonment mailed 06 June 2002 is hereby **VACATED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is 26 June 2002.


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (703) 306-5467
Facsimile: (703) 308-6459

CMK:cmk